

Incarcerated Women Help Draft Legislation

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In an article from [The Appeal](#), Sarah Lustbader describes how a group of incarcerated women in New York helped to draft a law to protect domestic violence survivors who are incarcerated or facing trial. The Domestic Violence Survivors Justice Act (DVSJA) helps assist “survivor-defendants” by allowing judges to “consider whether abuse was directly related to a person’s crime.” The judge may then accordingly assign the women to “shorter sentences or to alternative-to-incarceration programs.” The DVSJA also applies retroactively, so survivor-defendants sentenced prior to the law’s passage can apply to be resentenced. In making these provisions, the new law attacks the idea that society is divided between people who harm others and people who suffer harm. Crime is more complicated than this trope, and the DVSJA allows these complications, including how the criminal legal system may have previously failed survivor-defendants, to be taken into account.

Perhaps even more remarkable than the DVSJA’s content was its creation. Over the course of a decade, a coalition of “defense attorneys, judges, women’s rights advocates, prisoners’ rights advocates, legislators, and many survivor-defendants” worked hard to make the DVSJA a reality. Over this time, Andrea Williams, a member of the coalition and the Strategic Learning Director at [STEPS To End Family Violence](#), met with incarcerated women in New York. Williams repeatedly heard about how the women had suffered violence themselves. These survivor-defendants helped take control of their own story by studying “how to talk about their experiences with reporters and how to make the case for the bill.” On several occasions they “woke before dawn to go meet with members of the state legislature.” Finally, their efforts were rewarded this year when Democrats took control of the Senate and the bill passed in spite of opposition from the New York District Attorneys Association.

It is critical for incarcerated women to have a voice in their own story and to help shape the narrative about them with their own lived experience. The National Council knows that coalitions such as the one formed for the DVSJA are invaluable, and stands with all incarcerated and formerly incarcerated women seeking a voice in reform.